

of Labor, or such officer, agency or employee of the Department of Labor as he shall designate" in lieu of "Bureau".

TRANSFER OF FUNCTIONS

The Bureau of Employees' Compensation, referred to in this section, was transferred, with its functions, to the Department of Labor, and the functions of the Federal Security Administrator and the Federal Security Agency, with respect to such Bureau, were transferred to the Secretary of Labor, by 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. 1271, set out in note under section 778 of Title 5, Executive Departments and Government Officers and Employees, which further provided that all of such transferred functions shall be performed by the Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of the Department of Labor as he shall designate.

§ 761. Engaging in civil occupation; leave for training duty.

No existing law shall be construed to prevent any member of the Reserve solely by reason of membership therein from accepting employment in any civil branch of the Federal Government or of the District of Columbia nor from receiving the pay and allowances incident to such employment in addition to the pay and allowances to which he may be entitled as a member of the Reserve, nor as prohibiting him from practicing his civilian profession or occupation before or in connection with any department of the Federal Government. Officers and employees of the United States or of the District of Columbia who are members of the Reserve shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency ratings when on training duty in the Reserve, not to exceed 15 calendar days in any one calendar year. All members of the Reserve who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 554.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 313 (Feb. 19, 1941, ch. 8, title II, section 213, 55 Stat. 13).

Said section is rewritten to protect directly the rights of members of the Reserve in regard to their profession or occupation in civil life, rather than to protect only Federal or District of Columbia employees by assimilation to members of the Naval Reserve.

Similar provisions for members of the Naval Reserve are contained in title 34, U. S. C., 1946 ed., §§ 853b, 853g. 81st Congress, House Report No. 557.

CROSS REFERENCES

Rights and benefits when ordered to active duty, see section 853g of Title 34, Navy.

§ 762. Women's Reserve.

(a) The Women's Reserve shall be a branch of the Coast Guard Reserve and shall be administered in the same manner as provided for the Reserve in all respects, except as may be necessary to adapt such provisions to the Women's Reserve, or as may be otherwise provided by act of Congress.

(b) Members of the Women's Reserve may be commissioned, appointed, or enlisted in grades and ratings as prescribed by the Secretary, but not above the grade of captain.

(c) Military authority of members of the Women's Reserve may be exercised over other members of the Women's Reserve only.

(d) Members of the Women's Reserve shall not be assigned duty on board combat vessels, or in combat aircraft, nor shall they be otherwise assigned to combat duty. They shall not be assigned to duty other than in the United States, its territories and possessions, and shall not be assigned to duty outside the continental limits of the United States, unless they have requested such duty. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 554.)

HISTORICAL AND REVISION NOTES

Reviser's Note. This section is designed to provide for a permanent Women's Reserve as a component part of the Coast Guard Reserve, in lieu of the former law which was contained in sections 381—388 of title 14, which sections were repealed by section 1 of the Act of July 25, 1947, ch. 327, 61 Stat. 449. 81st Congress, House Report No. 557.

Chapter 23.—COAST GUARD AUXILIARY

Sec.

- 821. Administration.
- 822. Purpose.
- 823. Eligibility, enrollments.
- 824. Disenrollment.
- 825. Membership in other organizations.
- 826. Use of member's facilities.
- 827. Vessel deemed public vessel.
- 828. Aircraft deemed public aircraft.
- 829. Radio station deemed government station.
- 830. Availability of appropriations.
- 831. Assignment and performance of duties.
- 832. Injury or death in line of duty.

§ 821. Administration.

The Coast Guard Auxiliary established on February 19, 1941, is a nonmilitary organization administered by the Commandant under the direction of the Secretary. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., §§ 260, 263 (Feb. 19, 1941, ch. 8, title I, §§ 1, 4, 55 Stat. 9, 10).

This section continues the Auxiliary, redefining it as a nonmilitary organization, and providing for its administration. 81st Congress, House Report No. 557.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

§ 822. Purpose.

The purpose of the Auxiliary is to assist the Coast Guard:

- (a) to promote safety and to effect rescues on and over the high seas and on navigable waters;
- (b) to promote efficiency in the operation of motorboats and yachts;

(c) to foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts; and

(d) to facilitate other operations of the Coast Guard. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 261 (Feb. 19, 1941, ch. 8, title I, § 2, 55 Stat. 9; Sept. 30, 1944, ch. 453, § 1, 58 Stat. 759).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 823. Eligibility, enrollments.

The Auxiliary shall be composed of citizens of the United States and its territories and possessions, who are owners, sole or part, of motorboats, yachts, aircraft, or radio stations or who by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary, and who may be enrolled therein pursuant to applicable regulations. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., §§ 262, 351 (Feb. 19, 1941, ch. 8, title I, § 3, title III, § 301, 55 Stat. 9, 13; Oct. 26, 1942, ch. 628, 56 Stat. 990; Sept. 30, 1944, ch. 453, § 2, 58 Stat. 760).

All reference to the Philippine Islands is eliminated.

Changes were made in phraseology. 81st Congress, House Report No. 557.

TRANSFER OF FUNCTIONS

All functions of all officers of the Department of the Treasury, and all functions of all agencies and employees of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees. The Coast Guard is generally a service in the Treasury Department but such Plan excepted, from the transfer, the functions of the Coast Guard, and of the Commandant thereof, when the Coast Guard is operating as a part of the Navy under section 3 of this title.

§ 824. Disenrollment.

Members of the Auxiliary may be disenrolled pursuant to applicable regulations. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Experience has shown that it is desirable to have a statute definitely providing for separation of Auxiliarists from the organization. 81st Congress, House Report No. 557.

§ 825. Membership in other organizations.

Members of the Auxiliary may be appointed or enlisted in the Reserve, pursuant to applicable regulations, and membership in the Auxiliary shall not be a bar to membership in any other naval or military organization. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 264 (Feb. 19, 1941, ch. 8, title I, § 5, 55 Stat. 10).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 826. Use of member's facilities.

The Coast Guard may utilize for any purpose incident to carrying out its functions and duties as authorized by the Secretary any motorboat, yacht, aircraft, or radio station placed at its disposition for any of such purposes by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555; Aug. 3, 1950, ch. 536, § 35, 64 Stat. 408.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 265 (Feb. 19, 1941, ch. 8, title I, § 6, 55 Stat. 10; Nov. 23, 1942, ch. 639, § 2 (1), 56 Stat. 1021; Sept. 30, 1944, ch. 453, § 3, 58 Stat. 760).

Changes were made in phraseology. 81st Congress, House Report No. 557.

AMENDMENTS

1950—Act Aug. 3, 1950 amended section by striking out comma following the word "Secretary" and by substituting "any" for "and" following the word "Secretary".

§ 827. Vessel deemed public vessel.

Any motorboat or yacht, while assigned to authorized Coast Guard duty shall be deemed to be a public vessel of the United States, and within the meaning of section 646 of this title shall be deemed to be a vessel of the Coast Guard. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 555.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 266 (Feb. 19, 1941, ch. 8, title I, § 7, 55 Stat. 10).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 828. Aircraft deemed public aircraft.

Any aircraft, while assigned to authorized Coast Guard duty shall be deemed to be a vessel of the Coast Guard within the meaning of section 646 of this title. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 556.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 266a (Feb. 19, 1941, ch. 8, title I, § 7A, as added Sept. 30, 1944, ch. 453, § 4, 58 Stat. 760).

The last clause of said section is eliminated because it might be construed to exempt planes of members from being licensed according to law.

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 829. Radio station deemed government station.

Any radio station, while assigned to authorized Coast Guard duty shall be deemed to be a radio station of the Coast Guard and a "government station" within the meaning of chapter 5 of Title 47. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 556.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 266b (Feb. 19, 1941, ch. 8, title I, § 7B, as added Sept. 30, 1944, ch. 453, § 4, 58 Stat. 760).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 830. Availability of appropriations.

Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation of ration

allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized specific duties and for actual necessary expenses of operation of any motorboat, yacht, aircraft, or radio station when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term "actual necessary expenses of operation," as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, or radio station and for the constructive or actual loss of any motorboat, yacht, aircraft, or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such motorboat, yacht, aircraft, or radio station rests with the Coast Guard. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 556.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 267 (Feb. 19, 1941, ch. 8, title I, § 8, 55 Stat. 10; June 6, 1942, ch. 385, § 1 (1), 56 Stat. 329; Sept. 30, 1944, ch. 449, § 2, 58 Stat. 757; Sept. 80, 1944, ch. 453, § 5, 58 Stat. 760).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 831. Assignment and performance of duties.

No member of the Auxiliary, solely by reason of such membership, shall be vested with, or exercise, any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Reserve, except that any such member may, under applicable regulations, be assigned specific duties, which, after appropriate training and examination, he has been found competent to perform, to effectuate the purposes of the Auxiliary. No member of the Auxiliary shall be placed in charge of a motorboat, yacht, aircraft, or radio station assigned to Coast Guard duty unless he has been specifically designated by authority of the Commandant to perform such duty. Members of the Auxiliary, when assigned to specific duties as herein authorized shall, unless otherwise limited by the Commandant, be vested with the same power and authority, in the execution of such duties, as members of the regular Coast Guard assigned to similar duty. When any member of the Auxiliary is assigned to such duty he may, pursuant to regulations issued by the Secretary, be paid actual necessary traveling expenses, including a per diem allowance in conformity with standardized Government travel regulations in lieu of subsistence, while traveling and while on duty away from his home. No per diem shall be paid for any period during which quarters and subsistence in kind are furnished by the Government, and no per diem shall be paid for any period while such member is performing duty on a vessel. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 556.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 268 (Feb. 19, 1941, ch. 8, title I, § 9, 55 Stat. 10; July

11, 1941, ch. 290, § 10 (1), 55 Stat. 587; Sept. 80, 1944, ch. 453, § 6, 58 Stat. 761).

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 832. Injury or death in line of duty.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing any specific duty to which he has been assigned by competent Coast Guard authority, such member or his beneficiary shall be entitled to the same benefits provided for temporary members of the Reserve who suffer physical injury or death resulting from physical injury incurred incident to service. Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 556.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 270 (Feb. 19, 1941, ch. 8, title I, § 11, as added Sept. 30, 1944, ch. 453, § 7, 58 Stat. 761).

Changes were made in phraseology. 81st Congress, House Report No. 557.

Chapter 25.—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

Sec.

891. Flags; pennants; uniforms and insignia.

892. Penalty.

893. Limitation on rights of members of the Auxiliary and temporary members of the Reserve.

894. Availability of facilities and appropriations.

§ 891. Flags; pennants; uniforms and insignia.

The Secretary may prescribe one or more suitable distinguishing flags, pennants, or other identifying insignia to be displayed by the motorboats, yachts, aircraft, and radio stations owned by members of the Auxiliary and one or more suitable insignia which may be worn by members of the Reserve or the Auxiliary, and may prescribe one or more suitable uniforms which may be worn by members of the Auxiliary. Such flags, pennants, uniforms, and insignia may be furnished by the Coast Guard at actual cost, and the proceeds received therefor shall be credited to current appropriations from which purchase of these articles is authorized. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 557.)

HISTORICAL AND REVISION NOTES

Reviser's Note. Based on title 14, U. S. C., 1946 ed., § 352 (Feb. 19, 1941, ch. 8, title III, § 302, 55 Stat. 13; Sept. 30, 1944, ch. 453, § 9, 58 Stat. 761).

Said section has been divided. The first two sentences are placed in this section. The last sentence is placed in section 892 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

§ 892. Penalty.

Whoever, without proper authority, flies from any building, aircraft, motorboat, yacht, or other vessel, any flag or pennant or displays any identifying insignia or wears any uniform or insignia of the Reserve or the Auxiliary shall be fined not more than \$500. (Aug. 4, 1949, ch. 393, § 1, 63 Stat. 557.)